

Applicant(s) : Ping Sheng ZHANG and Hai Ling CAO  
U.S. Serial No.: 09/839,078  
Filed : April 20, 2001  
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REMARK

Claims 1-12 are pending in the Application. By this Amendment, Applicants have canceled claims 1-12 and added new claims 13-26. New claims 13-26 do not contain any new matter. Support for the new claims may be found *inter alia* in the U.S. Patent Application Publication for Zhang, et al., US 2002/0152701 A1, namely:

Claim 13-15: Abstract, Figures 1 and 4.  
Claim 16, 20, 22: Page 2, paragraph 17.  
Claim 17-19: Page 2, paragraph 16.  
Claim 21 and 26: Page 2, paragraph 19.  
Claim 23: Page 2, paragraph 15.  
Claim 24: Abstract, Figures 1 and 4.  
Claim 25: Figures 1, 2, and 4.

Accordingly, Applicants respectfully request the entry of this Amendment.

The Examiner to whom the application has been assigned has rejected Claims 1-12.

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Claim Rejections - 35 USC § 102(b)

The Examiner rejected claims 1, 2, 4, and 5 under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,822,944 issued to Penland, Sr. (hereinafter as "Penland, Sr.").

The Examiner's rationale for the rejections are found on page 2 of the September 8, 2004 Office Action.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 1-12 without prejudice. The new claims do not contain the above mentioned issues, thereby rendering this ground of rejection moot.

Penland, Sr. discloses a flooring system "formed by interlocking both the ends and sides of a plurality of mat units." (Penland, Sr., Abstract) Each mat unit includes "two layers of boards". (Penland, Sr., Abstract) The first and second layer contain "end locking tabs extending beyond the edge of the first or second layer and corresponding end locking slots. (Penland, Sr., Abstract)

Applicants' claim 13 recites:

A flexible flooring system comprising a plurality of planks, each plank comprising:

(a) a first top layer including a first plurality of strips that are secured together, each of the first plurality of the strips having a grain extending generally in a longitudinal direction of the plank;  
and

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(b) a second bottom layer including a second plurality of strips, each strip having a grain extending generally transversely to the longitudinal direction of the plank, wherein the second plurality of strips are spaced from one another by gaps having appropriate gap width.

Penland, Sr. does not teach or disclose a two-layer mat unit where the boards on the bottom layer are placed apart from one another by gaps. The flooring system in Penland, Sr. is formed by interlocking both ends and sides of a plurality of mat units. The end locking tabs and corresponding end locking slots must form a tight fit, without any gaps or spaces between the boards that make up the end locking tabs and the boards that make up the corresponding end locking slots, so that the flooring system will be "strong and sturdy enough to support heavy equipment." (Penland, Sr., Abstract)

In contrast, the bottom layer of Applicants' flooring plank comprises a plurality of strips which are spaced from one another by gaps having appropriate gap width to produce the desired flexibility of the planks. (Page 2, paragraph 16). Increasing the space between the two strips will improve the stability and flatness of the floor covering, if the sub-floor contains irregularities or uneven portions. The appropriate gap width between the strips on the bottom layer, which depends on factors such as the desired flexibility of the flooring planks, the condition of the sub-floor, and the weather pattern of the site of installation, may be readily determined by one of ordinary skill in the art.

In addition, to construct the flooring system as disclosed in Penland, Sr., which contains end locking tabs and corresponding end locking slots, the top boards that make up

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the top layer and the bottom boards that make up the bottom layer of the mat unit must be perpendicular to one another.

In contrast, the strips on top layer and the strips on the bottom layer of Applicants' claimed invention need not be perpendicular for joinder by nature of the tongue and groove which are machined on the second bottom layer.

Accordingly, in light of the new claims and the above responses, Applicants respectfully request the reconsideration and withdrawal of the above ground(s) of rejection.

**Claim Rejections - 35 USC § 103(a)**

The Examiner rejected:

Claims 3 and 6 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,822,944 issued to Penland, Sr. in view of U.S. Pat. No. 3,509,234 issued to Burlant;

Claim 7 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,822,944 issued to Penland, Sr. in view of U.S. Pat. No. 6,291,078 issued to Chen; and

Claims 8-12 under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,822,944 issued to Penland, Sr. in view of U.S. Pat. No. 3,509,234 issued to Burlant and in further view of U.S. Pat. No. 5,671,575 issued to Wu.

In response but without conceding the correctness of the Examiner's position and to expedite the prosecution of this Application, Applicants have canceled claims 1-12 without prejudice. The new claims do not contain the above mentioned issues, thereby rendering this ground of rejection moot.

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Accordingly, Applicants respectfully request the reconsideration and withdrawal of the above ground(s) of rejection.

Conclusion

Applicants respectfully maintain that the rejections and/or objections stated in the September 8, 2004 Final Office Action have been fully addressed. Therefore, this Application is in full compliance with all requirements. Accordingly, Applicants respectfully urge the Examiner to reconsider and withdraw all rejections and/or objections stated in the Non-final Office action and place this Application in condition for allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee other than the ONE THOUSAND TWO HUNDRED AND FORTY DOLLAR (\$1,240.00) fee for the request for continued examination and the two-month extension of time is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is given to charge the amount of any such fee to Deposit Account No. 50-1891.

I hereby certify that this paper is being facsimile transmitted to:  
Commissioner for Patents  
P.O. Box 1450  
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on the date shown below.  
Albert Wai-Kit Chan 2/8/05  
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Respectfully submitted,

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